

JUL 20 2006

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FACSIMILE TRANSMISSION**CONFIDENTIAL**

DATE: July 20, 2006

CLIENT-MATTER No.: 24523-09667

TO:

NAME	FAX No.	PHONE No.
Examiner Phirin Sam Group Art Unit 2616, USPTO	(571) 273-8300	

FROM: Jae Won Song, Ltd. Rec. No. L0203

PHONE: (650) 335-7164

RE: U.S. Patent Application Serial No.: 09/972,605, filed on October 5, 2001

NUMBER OF PAGES WITH COVER PAGE: 13	ORIGINAL WILL NOT FOLLOW
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MESSAGE:

Please see attached Request for Supplemental Office Action.

CAUTION - CONFIDENTIAL

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24523/09667/DOCS/1640336.1

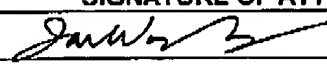
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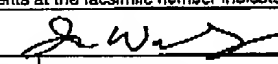
JUL 20 2006

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TRANSMITTAL FORM <i>(to be used for all correspondence during pendency of filed application)</i>	Application Number	09/972,605
	Filing Date	October 5, 2001
	First Named Inventor	Paul W. Cushman
	Group Art Unit Number	2616
	Examiner Name	Phirin Sam
Total Number of Pages in This Submission	11	Attorney Docket Number 24523-09667 (Formerly NAI1P024_01.038.01)

ENCLOSURES (check all that apply)	
<input type="checkbox"/> Fee Transmittal Form (in duplicate) <input type="checkbox"/> Check Enclosed <input type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Response to Notice to File Missing Parts <input type="checkbox"/> Assignment & Recordation Cover Sheet <input type="checkbox"/> Declaration <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Supplemental Information Disclosure Statement & PTO/SB/08A <input type="checkbox"/> Copies of IDS Cited Non-Patent References <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Request for Correction of Recorded Assignment <input type="checkbox"/> Amendment and Response: [8] Page(s) <input type="checkbox"/> After Final <input type="checkbox"/> Summary of Substance of Interview <input type="checkbox"/> Revocation and Substitute Power of Attorney	<input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Letter to Chief Draftsperson <input type="checkbox"/> Formal Drawing(s): [] Sheet(s) of Figure(s) [] <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Request for Supplemental Office Action Resetting New Mailing Date and Period for Response <input checked="" type="checkbox"/> <u>Copy of Office Action received on July 17, 2006</u> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
REMARKS:	

SIGNATURE OF ATTORNEY OR AGENT	
Signature:	
Attorney/Reg. No.:	Jae Won Song, Ltd. Rec. No. L0203
Dated:	July 20, 2006

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this correspondence, including the enclosures identified above, is being transmitted on the date shown below via facsimile to: Commissioner for Patents at the facsimile number indicated below.	
Signature:	
Typed or Printed Name:	Jae Won Song
Dated:	July 20, 2006
Facsimile Number:	1-571-273-8300

24523/09667/DOCS/1641494.1

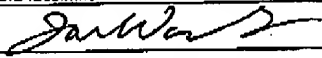
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JUL 20 2006

APPLICANT: Paul W. Cushman
APPLICATION NO.: 09/972,605
FILING DATE: October 5, 2001
TITLE: Method and Apparatus for Transferring Data from an ATM
Connection Table to Memory for Use by an Application Program
EXAMINER: Phirin Sam
GROUP ART UNIT: 2616
ATTY. DKT. NO.: 24523-09667 (Formerly NAI1P024_01.038.01)

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Signature:			
Typed or Printed Name:	Jae Won Song, Ltd. Rec. No. L0203	Dated:	July 20, 2006
Facsimile Number:	1-571-273-8300		

MAIL STOP AMENDMENT
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**REQUEST FOR SUPPLEMENTAL OFFICE ACTION
RESETTING NEW MAILING DATE AND PERIOD FOR RESPONSE**

SIR:

On July 7, 2006, Applicant's representative, Jae Won Song (Ltd. Rec. No. L0203) had an interview with Examiner Phirin Sam to discuss the non-receipt of an office action that appears to have been mailed on January 18, 2006 according to the records of the private PAIR (Patent Application Information Retrieval) system of the USPTO.

Jae Won Song was checking the status of this patent application on July 7, 2006 on private PAIR and noticed that an office action was mailed on January 18, 2006 according to

24523/09667/DOCS/1641469.1

PATENT

PAIR, but was not received by Applicant's representative. PAIR shows that the office action was returned to the USPTO on February 2, 2006 as undeliverable. The returned copy of the January 18, 2006 office action available in the image file wrapper of PAIR shows that the address label on the envelope was left blank with no address, although the office action cover page included the correct address, Fenwick & West LLP, Silicon Valley Center, 801 California Street, Mountain View, CA 94041. Hence, it appears that the office action was undeliverable due to a mailing error on the part of the USPTO by mailing the envelope with a blank address label.

In the July 7, 2006 Interview, Examiner Sam confirmed (i) that the office action was undelivered due to a mailing error on the part of the USPTO, (ii) that there is no obligation on the Applicant to file a response to the undelivered office action, and (iii) that the office action will be re-mailed with a new mailing date resetting the time period for response, see MPEP 707.13.

However, on July 17, 2006 Applicant's representatives received an office action that indicates a mailing date of January 18, 2006 on the cover sheet but must have been actually re-mailed on or after July 7, 2006, given that the Examiner's signature on page 4 of the office action is dated July 7, 2006. See attached copy of office action received on July 17, 2006. It appears that the Examiner re-dated page 4 of the office action that was previously mailed, but the USPTO failed to reset the mailing date on the cover sheet of the office action to the re-mailing date.

When an office action is not delivered due to a mailing error on the part of the USPTO, the USPTO should re-mail the office action with a new mailing date resetting the time period for response. See MPEP 707.13. The office action mailed on January 18, 2006 was undelivered due to the USPTO's error, and thus the re-mailed office action should have indicated the new re-mailing date on the office action cover sheet, which is the basis for calculating the period for response to the office action.

PATENT

Therefore, it is hereby requested that the USPTO mail a supplemental office action, explicitly resetting the mailing date of the office action to the new date on which the office action was re-mailed and explicitly resetting the time period for response to the office action.

Respectfully submitted,

Dated: July 20, 2006

By: 

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Attorney for Assignee
Silicon Valley Center
801 California Street
Mountain View, CA 94041
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24523-09667/US



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,605	10/05/2001	Paul W. Cushman	NAIIP024_01.038.02	4595

758 7590 01/18/2006

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MOUNTAIN VIEW, CA 94041

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EXAMINER

SAM, PHIRIN

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/972,605

Applicant(s)

CUSHMAN, PAUL W.

Examiner

Phirin Sam

Art Unit

2661

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/07/2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-10, 17, 19-22, 26-30, 33-35, 42, 44, 45, 47 and 51-53 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 11-16, 18, 23-25, 31, 32, 36-41, 43, 46 and 48-50 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

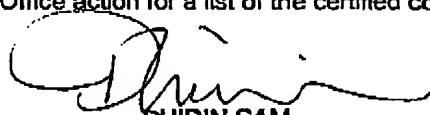
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


PHIRIN SAM
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 0102, 0103, & 1105
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Application/Control Number: 09/972,605
Art Unit: 2616

Page 2

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 10, 17, 19-22, 26-30, 35, 42, 44, 45, 47, and 51-53 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,914,956 (hereinafter referred as "Williams").

Williams discloses the invention (claims 1-5, 10, 17, 19-22, 26-30, 35, 42, 44, 45, 47, and 51-53) as claimed including a method for copying data from an ATM connection table, comprising:

- (a) monitoring an ATM connection table on an ATM network (see Fig. 4, element 478, col. 5, lines 9-12);
- (b) determining whether entries of the ATM connection table are active (see Fig. 4, element 478, col. 5, lines 12-16);
- (c) periodically transferring data from active entries of the ATM connection table to memory (see Fig. 4, col. 8, lines 55-61);
- (d) utilizing identifiers associated with the data for identification purposes (see Fig. 4, col. 5, lines 9-12);
- (e) utilizing the transferred data in the memory with an application program (see Fig. 4, col. 8, lines 55-67).

Application/Control Number: 09/972,605
Art Unit: 2616

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 9, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,914,956 (hereinafter referred as "Williams") in view of US Patent 6,195,352 (hereinafter referred as "Cushman").

Regarding claims 8, 9, 33, and 34, Williams does not disclose statistical information. However, Cushman discloses the statistical information (see Fig. 3, element 311, col. 6, lines 14-17). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the statistical information teaching by Cushman with Williams. The motivation for doing so would have been to provide to identify the number of cells received on each channel read on column 9, lines 49-50. Therefore, it would have been obvious to combine Cushman and Williams to obtain the invention as specified in the claims 8, 9, 33, and 34.

Allowable Subject Matter

5. Claims 6, 7, 11-16, 18, 23-25, 31, 32, 36-41, 43, 46, and 48-50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Application/Control Number: 09/972,605
Art Unit: 2616

Page 4

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on a compress schedule, from 8:00-5:30, first Wed off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272 - 3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully submitted,

Date: July 7, 2006



PHIRIN SAM
PRIMARY EXAMINER

Notice of References Cited	Application/Control No. 09/972,605	Applicant(s)/Patent Under Reexamination CUSHMAN, PAUL W.	
	Examiner Phirin Sam	Art Unit 2661	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,195,352	02-2001	Cushman et al.	370/395.6
*	B	US-5,914,956	06-1999	Williams, Joel R.	370/395.41
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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PTOSB&A (10-01)

Approved for use through 10/31/2002. OMB 0851-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Subtitle for form 1449A/PTO		Complete if Known	
		Application No.		09/972,605	
		Filing Date		October 5, 2001	
		First Named Inventor		Paul W. Cushman	
		Art Unit		2663	
		Examiner Name		Duc Duong	
Attorney Docket Number		24523-09667			
Sheet	1	of	1		

U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No. ¹	Document No. Number - Kind Code ² (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
PS	A1	US 5,414,707	05-09-1995	Johnston et al.
PS	A2	US 6,081,820	05-09-2000	Nakakita et al.
PS	A3	US 6,345,037	02-05-2002	St-Denis et al.

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ - Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶
PS	B1	WO 00/14994	03-16-2000	Telefonaktiebolaget LM Ericsson	

OTHER REFERENCES - NON-PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No.*	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T*	

Examiner Signature		Date Considered	01/15/06
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP §01.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

24523-09667/DOC/157251.1

Substitute for form 1449A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Application No.	09/972,605
		Filing Date	October 5, 2001
		First Named Inventor	Paul W. Cushman
		Art Unit	2663
		Examiner Name	Not Yet Known
		Attorney Docket Number	24523-09667
Sheet	1		

U.S. PATENT DOCUMENTS				
Examiner Initials ¹	Cite No. ¹	Document No. Number - Kind Code ² (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
PS	A1	US-6,345,037	02-05-2002	St-Denis et al.
PS	A2	US-6,061,820	05-09-2000	Nakakita et al.
		US-		
		US-		
		US-		

FOREIGN PATENT DOCUMENTS					
Examiner Initials ¹	Cite No. ¹	Foreign Patent Document Country Code ³ - Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶

OTHER REFERENCES - NON-PATENT LITERATURE DOCUMENTS				
Examiner Initials ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published		T ⁶
PS	C1	DRAVIDA, S. et al., "Error Detection and Correction Options for Data Services in B-ISDN," IEEE Journal on Selected Areas in Communications, December 1991, pp. 1484-1495, Vol. 9, No. 9.		
PS	C2	TAN, C. et al., "Effects of Cell Loss on the Quality of Service for MPEG Video in ATM Environment," IEEE, July 1995, pp. 11-15.		

Examiner Signature	/Phirin Sam/	Date Considered	07/07/2006
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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